

**Security Council**

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**Security Council Committee established pursuant
to resolution 1737 (2006)****Note verbale dated 7 May 2008 from the Permanent Mission of
Guatemala to the United Nations addressed to the Chairman of
the Committee**

The Permanent Mission of Guatemala to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006) and has the honour to enclose herewith the national report of the Republic of Guatemala on the steps taken by the Government with a view to implementing the provisions of Security Council resolution 1803 (2008) (see annex).



Annex to the note verbale dated 7 May 2008 from the Permanent Mission of Guatemala to the United Nations addressed to the Chairman of the Committee

Report of Guatemala on Security Council resolution 1803 (2008) concerning non-proliferation in the Islamic Republic of Iran

In accordance with the provisions of paragraph 13 of Security Council resolution 1803 (2008), the Government of Guatemala has the honour to submit information on the measures it has adopted in addition to those described in its combined national report on the implementation of the sanctions imposed by the United Nations on the Islamic Republic of Iran pursuant to Security Council resolutions 1737 (2006) and 1747 (2007).

This report was prepared by the Ministry of Foreign Affairs on the basis of input from the Ministry of Energy and Mines, the Ministry of Defence, the Tax Administration Superintendency, the Superintendency of Banking and the Office of Migration.

The competent government bodies were notified of the adoption of resolution 1803 (2008) and informed of its content and its annexes, and they provided information, within their respective spheres of competence, on measures relevant to the implementation of the resolution.

Accordingly, the Ministry of Defence indicated that, in line with the legal framework governing its activities, it has instructed the land, air and naval commands to continue implementing the surveillance and monitoring measures introduced on the basis of the provisions of paragraph 8 of resolution 1803 (2008).

As indicated in Guatemala's report on resolutions 1737 (2006) and 1747 (2007), contained in document S/AC.50/2007/100, citizens of the Islamic Republic of Iran require consulted visas to enter Guatemala and thus do not enjoy freedom of movement within national territory. Furthermore, as far as humanitarian issues are concerned, Guatemalan legislation contains provisions on refugee status which stipulate that such status may be granted only once it has been confirmed that the applicant has no links to any act intended to imperil international peace and security.

With regard to national measures to prevent the supply, sale or direct or indirect transfer of all the items, materials, equipment, goods and technology referred to in paragraphs 3, 4 and 5 of resolution 1737 (2006), the Department of Energy of the Ministry of Energy and Mines, in its capacity as the national regulatory authority for ionizing radiation,¹ is responsible for monitoring, surveillance and inspection activities relating to the radiation protection and safety of radioactive sources and equipment that produces ionizing radiation in Guatemala.

The Division for Radiation Protection and Safety of the Department of Energy is responsible for monitoring the transport, distribution, sale, transfer and storage of radioactive sources and equipment that produces ionizing radiation. In accordance with the legal instruments relating to inspections and licensing, companies that import radioactive sources are monitored and inspected and may not operate within

¹ Decree No. 11-86, "Act on the Use and Application of Radioisotopes and Ionizing Radiation", and its regulations.

national territory without the relevant licences, which are issued under strict conditions.

Under article 46 of Government Decision No. 055-2001, Radiation Safety and Protection Regulations, import and operating licences are not issued for activities involving radioactive sources of radium-226 (Ra-226) or any other radioactive or nuclear material falling outside the scope of the practices authorized by the Department of Energy. The Division for Radiation Protection has carried out regular inspections of facilities and type I radioactive sources that pose the greatest radiation risk, such as radiotherapy centres and the National Centre for Radioactive Waste (CENDRA), to check that they have adopted physical safety and radiation protection measures designed to prevent malicious acts.

It should be pointed out that Guatemala has no nuclear power stations for the production of electricity or nuclear research facilities and thus does not need to import nuclear materials or fuel; it imports only medical and radiopharmacological equipment for medical and industrial use. Nevertheless, the aforementioned activities are subject to registration, inspection and licensing provisions.

In that connection, a register of radioactive sources entering national territory has been drawn up. It lists the location, description, activity and physical form of each source, as well as the party responsible for said source. Any sources that are not used for the purpose for which they were acquired must be returned to their country of origin or handed over to CENDRA so that the appropriate arrangements for disposal can be made.

As for issuing the appropriate notification in the event that transfers of radioactive materials covered by national legislation come to light, the Department of Energy is taking part in the RLA 9054 regional initiative entitled "Strengthening the National System for Preparedness and Response to Nuclear and Radiological Emergencies", which is supported by the International Atomic Energy Agency (IAEA) and aims to strengthen the capacity of the region's regulatory authorities to deal with radiological emergencies in accordance with the provisions of the Code of Conduct on the Safety and Security of Radioactive Sources, including through the use of mechanisms for early notification in the event of illicit cross-border trafficking of radioactive materials.

In addition to the foregoing, in 2007 Guatemala participated for the first time in the large-scale ConvEx regional exercise on nuclear emergency response, organized with the support of IAEA; in July 2008 it will participate in the second exercise with a view to improving national capacity to react to an accidental or deliberate act that, as a result of the release of nuclear materials, causes harm to individuals or the environment. The Department of Energy, as the regulatory body for radiation protection and safety, is responsible for the preventive measures set out in the relevant national regulations and stands ready to strengthen, in line with its mandate, controls on the origins of radioactive materials entering the country.

For its part, the Customs Department of the Tax Administration Superintendency indicated that, in 2007, it began the gradual process of installing X-ray machines and radiation detection equipment at the Republic's principal ports of entry. Those items of equipment are operated by the port authorities, and customs officers, working in partnership with port authority security staff, are responsible for

reading the films and screening the contents of containers as they enter and leave the country.

A risk assessment module has been introduced, which allows for targeted controls in sensitive areas. If the competent authority² considers it appropriate, it can request the Tax Administration Superintendency to activate the module so that all customs declarations originating from or bound for Iran are reviewed immediately, thus making it possible to coordinate with the competent authorities and conduct joint reviews for the purposes specified in paragraph 8 of resolution 1803 (2008).

With regard to exercising vigilance over the activities of financial institutions in order to prevent the latter from contributing to proliferation sensitive nuclear activities or the development of nuclear weapon delivery systems, in accordance with the provisions of resolution 1737 (2006) and paragraphs 7, 9 and 10 of resolution 1803 (2008), the Superintendency of Banking, through the Special Verification Unit, has notified banks, financial and insurance companies, off-shore entities operating in Guatemala and credit card companies of the content of resolutions 1737 (2006), 1747 (2007) and 1803 (2008) and their respective annexes.

The measures described in the preceding paragraph have been adopted to ensure that the entities concerned take appropriate steps within the framework of the programmes and internal controls established pursuant to article 19 of Decree No. 67-2001, the Act on the Laundering of Money and Other Assets, and article 15 of Decree No. 58-2005, the Act on the Prevention and Suppression of the Financing of Terrorism, and strengthen the implementation of those instruments in accordance with international standards in the areas of prevention and compliance.

In addition, the Ministry of Economic Affairs and the Bank of Guatemala were notified of the provisions of the aforementioned instruments so that they could disseminate that information among the competent national bodies.

With regard to port security measures, it is relevant to point out that the National Port Commission has completed the process of implementing the Code for the Protection of Vessels and Port Facilities (PBIP Code), which included audits, the approval of protection plans and investment in monitoring and surveillance in all Guatemala's maritime port facilities authorized to deal with international maritime traffic. At the conclusion of that process, the Commission issued all national port facilities with a declaration (certificate) of compliance with the international standards on security and protection and awarded them the status of secure ports.

Nevertheless, all port facilities are subject to periodic security and protection audits. Port facilities and the other State institutions maintain constant communication regarding vessels, cargo, crew and passengers in order to coordinate appropriate arrangements for restrictions on the entry to or exit from national territory by sea, in accordance with the provisions of resolutions 1737 (2006), 1747 (2007) and 1803 (2008).

A review of the Commission's registers confirmed that, to date, no goods originating directly from or bound directly for Iran have been received by any Guatemalan port facility.

² The Ministry of Energy and Mines, through the Department of Energy.

The Commission has notified the public and private port authorities, in particular those responsible for port operations and comprehensive security, of the content of resolutions 1737 (2006), 1747 (2007) and 1803 (2008). It has also instructed shipping agents authorized to represent vessels in Guatemala to declare in the cargo manifest the origin and destination of the cargo, the shipper and the addressee, as well as information about the vessel and any other relevant information relating to any goods originating from or bound for Iran.

For the purposes of monitoring, inspecting and authorizing the entry of vessels, cargo, crew and passengers with links to the Middle East, in particular Iran, the Commission will work in coordination with the Tax Administration Superintendency, the Office of Migration, the Quarantine Service, the Harbourmasters' Offices and any other relevant government bodies.

In addition, the Commission's Executive Directorate recommended that the port and specialist terminal authorities should comply with paragraphs 3, 4, 5, 6, 7, 8 and 11 of resolution 1803 (2008) and immediately forward any relevant information to the competent authorities.

Lastly, the Department of Civil Aviation is aware of the content of the resolutions referred to in this national report and, in accordance with its mandate, will adopt appropriate measures designed to contribute to their implementation.